

### **REMARKS**

This Amendment and Response is filed in response to the Office Action mailed September 11, 2008. In this Amendment and Response, Claims 1-3, 6, 10, and 15 are amended. Following entry of this amendment, claims 1-15 will be pending, with claims 16-30 having been withdrawn.

#### **I. PRIORITY**

The Examiner raised an issue with the claim of priority in the subject application. This application was filed with an application data sheet (37 CFR 1.76) making a proper priority claim. It appears that this data sheet was not routed properly. A copy of this data sheet, as originally filed, along with a copy of the first filing receipt recognizing the benefit claim, is being submitted herewith. As such, a petition and a surcharge under 37 CFR 1.17(t) are not required. Additionally, the Applicant has amended the first sentence of the specification to reflect the priority claim.

#### **II. CLAIM REJECTIONS – 35 USC § 103**

The Examiner has rejected Claims 1-9, 11-13, and 15 as being unpatentable over Clark et al. (US 5,713,853, "*Clark*") in view of Sher (US 2006/0015126, "*Sher*"). The Examiner has stated that *Clark* discloses the claimed invention except for the central axis of the catheter lying at substantially a non-zero axis relative to the central axis of the biological conduit, but that *Sher* teaches in Figure 9 that it is known to position a catheter such that the central axis of the catheter lies at substantially a non-zero axis relative to the central axis of the biological conduit. Without conceding to the merits of these rejections, and only to speed prosecution, the Applicant has amended independent Claim 1 to recite employing a steering mechanism at least temporarily associated with the distal tip of the catheter so as to deflect the distal tip of the catheter so that the central axis of the distal tip lies substantially at the desired non-zero angle relative to the central axis of the biological conduit and the tip is directed toward a sidewall of the conduit; and actuating an anchoring mechanism at least temporarily

associated with the distal tip of the catheter, the anchoring mechanism including at least one expandable element configured to grip internal surfaces of the biological conduit in such a manner as to retain the distal tip of the catheter at the desired angle within the biological conduit. As a result, Claim 1 is patentable over *Clark* and *Sher* for at least two reasons. First, neither reference discloses actuating an anchoring mechanism at least temporarily associated with the distal tip of the catheter. Indeed, it appears that the *Sher* balloons are located a significant distance from its tip, seemingly too far to influence the axis of the tip. Second, neither *Clark* nor *Sher* discusses deflecting the distal tip at a desired non-zero angle relative to the central axis of the biological conduit so the tip is directed toward a sidewall of the conduit. It appears, for the reason given, that neither device would be capable of doing so.

Because neither *Clark* nor *Sher* discloses these two features of the claimed invention, Claim 1, as amended, is patentable over these references. Claims 2-15, which depend from Claim 1, are therefore patentable as being dependent from a patentable independent base claim. Claims 2-15 are patentable for independent reasons as well. For example, the Examiner did not recite a reason for the rejection of Claims 3-6, or 13. None of the cited reference appears to disclose the features of these claims.

**CONCLUSION**

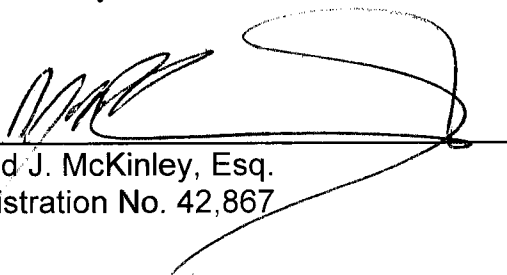
In view of the foregoing, it is submitted that the Applicant has traversed all of the rejections and that all of the pending claims (namely, claims 1-15) are in condition for allowance.

If any questions or issues arise that are more easily addressed by the Examiner through direct communication with the undersigned, the Examiner is cordially to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to Deposit Account No. 50-2809.

Respectfully submitted,

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